

Message Text

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ACTION NEA-12

INFO OCT-01 EUR-25 ADP-00 AID-20 DEAE-00 CIAE-00 INR-10

IO-13 JUSE-00 NSAE-00 RSC-01 SNM-02 SY-10 TRSE-00

USIA-15 NSC-10 SCI-06 OMB-01 SS-15 L-03 H-03 PRS-01

PA-03 RSR-01 /152 W

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R 231020Z AUG 73

FM AMEMBASSY KATHMANDU

TO SECSTATE WASHDC 6144

INFO AMEMBASSY DUBLIN

AMEMBASSY NEW DELHI

AMEMBASSY PARIS

C O N F I D E N T I A L KATHMANDU 3635

DUBLIN FOR AMBASSADOR CARGO

PARIS FOR QUANTON

EO 11652: GDS

TAGS: SNAR, NP

SUBJECT: STATUS OF NARCOTICS LAW

1. SUMMARY. PARLIAMENT ENDED CURRENT SESSION LAST NIGHT WITHOUT PASSING DRAFT NARCOTICS LAW. FOREIGN SECRETARY ASSURED ME FAILURE PASS IT WAS DUE PRESS OF OTHER BUSINESS ONLY, AND GON REMAINS AS COMMITTED AS EVER TO ITS ENACTMENT, PRESUMABLY IN NEXT SESSION OF PARLIAMENT. WE BELIEVE USG HAS NO REALISTIC OPTION AT THIS POINT OTHER THAN TO ACCEPT FONSEC'S ASSURANCES, TO CONTINUE QUIET BEHIND-THE-SCENES DIPLOMACY DESIGNED FORTIFY GON WILL TO PROCEED ALONG RIGHT TRACK, AND TO AVOID PUBLIC DISPLAYS OF IMPATIENCE OR IRRITATION.

2. DURING PAST SEVERAL WEEKS, EMBASSY HAD BEEN HEARING RUMORS THAT FOR ONE REASON OR ANOTHER, NEW DRAFT NARCOTICS LAW HAD GOTTEN BOGGED DOWN IN NATIONAL PANCHAYAT AND WAS UNLIKELY TO
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PASS DURING PRESENT MONSOON SEASON SESSION (WHICH IN FACT ENDED

EVENING OF AUGUST 22). ACCORDING TO SOME RUMORS, POWERFUL VESTED INTERESTS HAVE BEEN QUIETLY LOBBYING TO KILL THE MEASURE. HOWEVER, PRIME MINISTER RIJAL TOLD ME DURING MY COURTESY CALL ON HIM JULY 26 THAT SINGHA DURBAR FIRE HAD DESTROYED MANY DOCUMENTS AND UPSET ALREADY CROWDED LEGISLATIVE TIMETABLE IN NATIONAL PANCHAYAT TO DEGREE MAKING IT UNCERTAIN WHETHER LAW COULD BE PASSED. (MEMCON POUCHED JULY 26.).

3. IN VIEW OF ALL OF THIS UNCERTAINTY, I CALLED ON FONSEC KHATRI AUGUST 22 SPECIFICALLY TO OBTAIN HIS ASSESSMENT OF DRAFT LAW'S STATUS AND GON INTENTIONS. I NOTED WITH APPROVAL RECENT GON ACTION TO STOP CULTIVATION AND CLOSE LOCAL HASHISH HOUSES THROUGH TERMINATION OF LICENSES, BUT ADDED THAT THIS ACTION WAS NO SUBSTITUTE FOR LAW; SIGNIFICANT NUMBER OF US AND OTHER WESTERN VISITORS WERE ENGAGING IN NARCOTICS TRAFFIC OPERATIONS ORIGINATING IN NEPAL AND IN ABSENCE OF LEGALLY BASED RELATIONSHIP WITH NEPALESE ENFORCEMENT AUTHORITIES, OUR OWN ABILITY TO COPE WITH THIS SITUATION WAS LIMITED. I SAID THAT SHOULD LAW NOT PASS PRESENT SESSION, USG WOULD BE VERY INTERESTED IN KNOWING WHAT OUTLOOK WAS FOR ITS FUTURE.

4. FONSEC TOLD ME THAT LAW WOULD IN FACT NOT PASS PRESENT SESSION, AND THAT PRIME MINISTER RIJAL'S EXPLANATION, PRESS OF OTHER BUSINESS ACCENTUATED BY DISRUPTION CAUSED BY SINGHA DURBAR FIRE, WAS CORRECT ONE. HE SPECIFICALLY DENIED TRUTH OF RUMORS THAT VESTED INTERESTS WERE SUCCESSFULLY LOBBYING AGAINST MEASURE AND ASSURED ME CATEGORICALLY THAT IT REMAINED GON INTENT TO PASS THE LAW AS SOON AS POSSIBLE. I ASKED HIM IF I COULD REPORT TO MY GOVERNMENT THAT IT WAS GON INTENTION TO PASS THE LAW IN THE NEXT SESSION OF PARLIAMENT. HE SAID LAW WOULD BE PASSED AS SOON AS POSSIBLE AND HE PRESUMED THAT THIS MEANT NEXT SESSION.

5. KHATRI ALSO REFERRED TO CERTAIN TECHNICAL PROBLEMS GON IS NOW WORKING ON IN CONNECTION NEW LAW. THE FIRST RELATED TO USE BY NEPALESE AND INDIAN VISITORS OF HASHISH IN CONNECTION TRADITIONAL RELIGIOUS RIGHTS, NOTABLY SHIVARATRI WHEN PERHAPS A HUNDRED THOUSAND INDIAN SADHUS OR PILGRIMS NORMALLY VISIT KATHMANDU AND HAVE BEEN TRADITIONALLY GIVEN FREE HASHISH BY GOVERNMENT AUTHORITIES. KHATRI SAID HE AND FINANCE SECRETARY

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WERE WORKING ON MECHANISM THROUGH WHICH LEGAL PROVISION COULD BE MADE FOR CONTROLLED CONTINUATION OF SUCH PRACTICE THROUGH RESPONSIBLE GOVERNMENT ORGANIZATION. SECOND PROBLEM WAS MORE IMMEDIATE ONE, NAMELY, WHAT TO DO ABOUT HASHISH CROP THAT HAD BEEN GROWN LEGALLY THIS PAST YEAR, BEFORE PRACTICE OF LICENSING SUCH CULTIVATION HAD BEEN STOPPED. THOUGH CROP HAD BEEN PRODUCED LEGALLY AND AFTER PAYMENT OF SUBSTANTIAL TAXES, ONCE LAW PASSED, EVEN ITS POSSESSION WOULD BECOME ILLEGAL.

HE SAID FINANCE SECRETARY WAS WORKING ON FINDING WAY TO DISPOSE
OF THIS CROP IN WAY WHICH WOULD BE CONSISTENT WITH NEW LAW
YET FAIR TO PRODUCERS.

5. COMMENT: FAILURE OF DRAFT LAW TO PASS IN THIS SESSION OF
PARLIAMENT IS, OF COURSE, DISAPPOINTMENT, AND SETBACK IN TERMS OF
TIMING ENVISIONED IN OUR NARCOTICS CONTROL ACTION PLAN.
HOWEVER, WE SEE NO REASON QUESTION SINCERITY OF FONSEC'S
ASSURANCE THAT IT REMAINS GON INTENTION TO PASS THIS LAW IN
NEAR FUTURE. OUR STRATEGY IN OUR OPINION SHOULD CONTINUE TO BE
THAT OF DISCREET DIPLOMATIC ENCOURAGEMENT BEHIND THE SCENES TO
GET ON WITH THE JOB, WHILE AVOIDING PUBLIC SIGNS OF DISPLEASURE
OR IMPATIENCE THAT WOULD BE SEIZED ON BY OPPONENTS OF THE LAW
AS EVIDENCE OF US PRESSURE AND USED BY THEM IN PREVAILING
DOMESTIC POLITICAL CLIMATE TO SUPPORT THEIR EFFORTS TO BLOCK
BILL'S PASSAGE.
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